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ATTORNEYS FOR PLAINTIFF
and CROSS-DEFENDANT FRED RUBIO

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

SILICON VALLEY TELECOM
EXCHANGE, LLC,

Debtor.

FRED RUBIO,

Plaintiff,

v.

CERULEAN GLOBAL SERVICES,
LLC, et al.,

Defendants.

CERULEAN GLOBAL SERVICE, LLC,

Counter-
Plaintiff/Third Party
Plaintiff,

v.

FRED RUBIO, et al.,

Cross-Defendant
and Third Party
Defendants.

Case No. 14-52449 MEH

CHAPTER 11

Adversary Proceeding

Case No. 16-05034

**DECLARATION OF KAREN RUBIO
IN SUPPORT REPLY BRIEF FOR
PARTIAL SUMMARY JUDGMENT**

Date: November 21, 2016

Time: 11:00 a.m.

Courtroom: 3020

Judge: Hon. M. Elaine Hammond

1 I, KAREN RUBIO, declare as follows:

2 1. I am over the age of eighteen (18) and have personal knowledge of the facts set forth
3 herein and would and could testify thereto if called as a witness.

4 2. Plaintiff and Counter-Defendant Fred Rubio is my husband.

5 3. I am the bookkeeper for Silicon Valley Telecom & Internet Exchange, LLC
6 (“SVTIX”) and have been the bookkeeper since 2009. My responsibilities as the bookkeeper include
7 maintaining the books and records for SVTIX, invoicing SVTIX customers, keeping track of
8 incoming bills and expenses, and recording SVTIX’s payment of bills and expenses.

9 4. I have been the bookkeeper for RAIX, LLC (“RAIX”) since its formation. My
10 responsibilities as the bookkeeper include maintaining the books and records for RAIX, invoicing
11 RAIX customers, keeping track of incoming bills and expenses, and recording RAIX’s payment of
12 bills and expenses.

13 5. My husband Fred Rubio has also attempted to develop new business opportunities
14 and I have provided bookkeeping services for these new business opportunities. My responsibilities
15 as the bookkeeper include maintaining the books and record for these business ventures, keeping
16 track of incoming bills and expenses, and recording payment of bills and expenses.

17 6. Attached hereto as Exhibit 1 is a true and correct copy of Fred and Karen Rubio’s
18 credit card statement which reflects purchases of equipment for one of Fred Rubio’s business
19 ventures. Personal information, account numbers, and irrelevant charges have been redacted.

20 7. Attached hereto as Exhibit 2 is a true and correct copy of an invoice from Hula
21 Networks which reflects purchases of equipment for one of Fred Rubio’s business ventures.

22 8. Attached hereto as Exhibit 3 is a true and correct copy of an asset purchase agreement
23 between RAIX and Crescendant Global Networks, Inc. reflecting RAIX purchase of assets from
24 Crescendant Global Networks, Inc.

25 9. Attached hereto as Exhibit 4 is a true and correct copy of a Hula Networks invoice
26 which reflects purchases of equipment for one of Fred Rubio’s business ventures, In2itive.

27 10. Attached hereto as Exhibit 5 is a true and correct copy of a Unix Surplus invoice
28 which reflects the purchases of equipment by one of Fred Rubio’s business ventures, In2itive, though

1 the invoice incorrectly identifies RAIX as the purchaser.

2 11. Attached hereto as Exhibit 6 is a true and correct copy of a JAF International invoice
3 which reflects the purchases of equipment by one of Fred Rubio's business ventures, In2itive.

4 12. Attached hereto as Exhibit 7 is a true and correct copy of a DCS Manage.com invoice
5 which reflects the purchases of equipment by RAIX.

6 13. I have reviewed the declaration of Robert Taylor in Opposition to Fred Rubio's
7 Motion for Partial Summary Judgment and reviewed, in particular, Exhibits C and D which are
8 emails I drafted. I wrote both emails for the purpose of directing former SVTIX and RAIX
9 customers to Cerulean as a "new company [that] is providing service at 250 Stockton Avenue, San
10 Jose." While the emails state that RAIX and SVTIX sold their business, I did not intend to make a
11 legal statement that RAIX and SVTIX sold all their assets to Cerulean but just to convey that RAIX
12 and SVTIX were no longer providing colocation services at 250 Stockton Avenue without getting
13 into a lengthy explanation of the agreement entered into between Cerulean, RAIX and SVTIX at the
14 hearing of the Trustee's motion to sell SVTX's leasehold interests and assets to Cerulean.

15 I declare under penalty of perjury that the foregoing is true and correct. This
16 declaration is executed on November 14, 2016, at Los Gatos, California.

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18 /s/Karen Rubio
19 Karen Rubio
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